

SUPPLEMENTAL
Notice of Allowability

Application No.

10/725,269

Examiner

Tuan C. To

Applicant(s)

SAMUKAWA ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/20/2005.
2. ☒ The allowed claim(s) is/are 6-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/02/03, 07/28/05, 01/12/06, 02/27/06, 05/15/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Election/Restriction

1. Applicant's election without traverse of Group II, claims 6-11 in the reply filed on 10/20/2005 is acknowledged.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David G. Posz on 12/05/2005:

Claims 1-5, and 12-31 have been cancelled.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

3. This communication is an Examiner's reasons for allowance in response to application filed on 12/02/2003, assigned serial 10/725,269 and titled "Object Recognition Apparatus for Vehicle, Inter-Vehicle Control Apparatus, and Distance Measurement Apparatus."

The following is the Examiner's statement of reasons for the indication of allowable subject matter:

The examiner has searched several classification areas that are relevant to the subject matter of claims 6-11, but none of the prior art has been found fairly suggest the recited limitation:

Stability decision means for making a decision as to a recognition stability on said preceding vehicle on the basis of whether or not the highest intensity of said reflected wave selected by said selection means with respect to said preceding vehicle exceeds a predetermined reference intensity, wherein, when said stability decision means makes a decision that said preceding vehicle recognition stability is high, said calculation means enhances the influence of the latest relative speed in calculating average relative speed, wherein average relative speed is calculated by average a plurality of relative speed calculated in time series.

The cited reference to Ishii et al. is the closest reference to the subject matter of claim 6. The reference to Ishii et al. is related to a radar system/method for detecting relative distance or relative speed of the target based on the basis of beat signal, however, Ishii et al. is missing to disclose a selection means for selecting the highest intensity of intensities of reflected waves corresponding to a reflecting objects decided to be a unitary reflecting object. In addition, the teachings of Ishii et al. does not include a stability decision means for making a decision as to a recognition stability on a preceding vehicle as recited in the claim.

Therefore, claims 6-11 are now set in a condition of allowance.

Conclusions

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tc

June 13, 2006


JACK KEITH
SUPERVISOR EXAMINER